

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN W. FABIAN,

Plaintiff,

v.

Case Number 06-10699-BC
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING PLAINTIFF'S MOTION FOR ATTORNEY FEES**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on January 31, 2008, recommending that Plaintiff John Fabian's motion for attorney fees in a social security case be granted. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The defendant's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #31] is **ADOPTED** and that Plaintiff's motion for attorney fees [dkt #27] is **GRANTED**. Plaintiff is entitled to attorney fees in the amount of \$4,856.50.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 25, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 25, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS